

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

BUREAU OF CONSUMER FINANCIAL
PROTECTION,

Plaintiff,

v.

PROGREXION MARKETING, INC.; PGX
HOLDINGS, INC.; PROGREXION
TELESERVICES, INC.; EFOLKS, LLC;
CREDITREPAIR.COM, INC.; and JOHN C.
HEATH, ATTORNEY AT LAW, PC, D/B/A/
HEATH P.C.,

Defendants.

Case No. 2:19-CV-00298-BSJ

APPENDIX OF EVIDENCE LR 56-1(5)

0. Attachment A, Providing Citations in support of Additional Undisputed Material Facts 21 and 22.
1. Declaration of John C. Heath, August 10, 2021
 - 1-1. PGX0028796, PGX Script (Filed Under Seal)
 - 1-2. LEX0000540, Engagement Agreement
 - 1-3. PGX0027751, LexingtonLaw.com website, How to Identify Credit Repair Scams
 - 1-4. PGX0050478, LexingtonLaw.com website, Good Credit—The Key to Your New Car
 - 1-5. PGX0028285, LexingtonLaw.com website, Credit Repair
 - 1-6. PGX0027986, LexingtonLaw.com website, Free Credit Repair Consultation
2. Declaration of John C. Heath, December 6, 2021
3. PGX0002677, PGX Compliance Training, *Compliant Scripting & Data Integrity* (Filed Under Seal)

4. LEX0008778, Lexington Law Firm Compliance Framework and Overview (Filed Under Seal)
5. PGX0005842, Progrexion Compliance Policy (Filed Under Seal)
6. Confidential Rebuttal Report of John DelPonti, October 25, 2021 (Filed Under Seal)
7. Transcript of May 6, 2021 Deposition of Jacob P. Hamilton (excerpted) (Filed Under Seal)
8. PGX0049202, Progrexion Compliance Program, September 18, 2019 (Filed Under Seal)
9. Declaration of Jacob P. Hamilton, December 30, 2021
- 9-1. PGX0028674, CreditRepair.com Script (Filed Under Seal)
- 9-2. PGX0047444, Engagement Agreement, Arkansas
10. PGX0047487, CreditRepair.com Engagement Agreement (Louisiana)
11. PGX.CFPB.00001762, Lexington Law Legal Style Guide (Filed Under Seal)
12. CTRL_LEX00000144, Progrexion Compliance Training Learner Guide (Filed Under Seal)
13. Transcript of March 5, 2021 Deposition of Blakely Hankins (excerpted) (Filed Under Seal)
14. Transcript of February 5, 2021 Deposition of Reagan Nickl (excerpted)
15. Transcript of April 9, 2021 Deposition of Jesse Beal (excerpted) (Filed Under Seal)
16. PGX0049305, Progrexion Telemarketing Scripting Policy (Filed Under Seal)
17. PGX.CFPB.00002635, eFolks Compliance Training (Filed Under Seal)
18. PGX.CFPB.00001948, Progrexion Compliance Policy Facilitation Guide (Filed Under Seal)
19. LEX0001561, Lexington Law Regulatory Compliance Training (Filed Under Seal)
20. LEX0001652, Progrexion Compliance Training: Day One (Filed Under Seal)
21. LEX0001756, Guarantees Training (Filed Under Seal)

22. PGX0000347, Compliance: Guarantees and Implied Guarantees, New Hire Training (Filed Under Seal)
23. LEX0001919, Say It Right: Compliant Conversation (Filed Under Seal)
24. Transcript of April 28, 2021 Deposition of Kelly Etherington (excerpted) (Filed Under Seal)
25. Transcript of May 11, 2021 Deposition of Terry Kealamakia (excerpted) (Filed Under Seal)
26. PGX0005831, Q-tips LLF Guarantees – Positive Outcome (Filed Under Seal)
27. PGX0005833, Q-tips LLF Guarantees – Time Frame (Filed Under Seal)
28. PGX0005826, Q-tips LLF Guarantees – Item Removals (Filed Under Seal)
29. PGX0005840, Progrexion Quality Assurance & Call Evaluation Process (Filed Under Seal)
30. LEX0001548, Lexington Law Regulatory Compliance Training Version 2 (Filed Under Seal)
31. LEX0001546, Service Guarantees (Filed Under Seal)
32. LEX0001549, Service Guarantees Job Aid (Filed Under Seal)
33. PGX0060515, PGX Master Script (Filed Under Seal)
34. PGX0028460, Lexington Law Firm Script (Filed Under Seal)
35. PGX0060542, Lexington Law Firm Script (Filed Under Seal)
36. PGX0005747, CreditRepair.com Substantiated Claims Guide (Filed Under Seal)
37. PGX0000475, PGX Compliance Training 101, *Introduction* (Filed Under Seal)
38. PGX0002924, PGX Compliance Training 102, *Compliant Conversation* (Filed Under Seal)
39. PGX0000452, PGX Compliance Training 104, *Ethics* (Filed Under Seal)
40. PGX0005830, Q-tips CreditRepair.com Guarantees – Positive Outcome (Filed Under Seal)
41. PGX0005832, Q-tips CreditRepair.com Guarantees – Score Increase (Filed Under Seal)

42. PGX0005834, Q-tips CreditRepair.com Guarantees – Time Frame (Filed Under Seal)
43. PGX0005829, Q-tips CreditRepair.com Guarantees – Item Removals (Filed Under Seal)
44. PGX0028708, CreditRepair.com Script (Filed Under Seal)
45. PGX0004079, PGX Compliance Training 103, *Compliant Scripting & Data Integrity* (Filed Under Seal)
46. PGX0047465, CreditRepair.com Engagement Agreement (California)
47. First Amended Complaint, filed in *Tennessee v. Lexington Law Firm*, No. 3-96-0344 (M.D. Tenn.), May 14, 1997
48. Memorandum of Points and Authorities in Support of Intervenor Federal Trade Commission’s Motion for Partial Summary Judgment and Request for Oral Argument, filed in *Tennessee v. Lexington Law Firms*, No. 3-96-0344 (M.D. Tenn.), December 16, 1996
49. Plaintiff’s Responses to Defendants’ First Set of Requests for Admission (Filed Under Seal)
50. Declaration of John C. Heath, December 30, 2021
- 50-1. Agreed Final Order, filed in *Tennessee v. Lexington Law Firm*, No. 3-96-0344 (M.D. Tenn.), September 29, 2000
51. LEX0001821, Payment and Fees (Filed Under Seal)
52. PGX.CFPB.00003788, Progrexion Compliance Training, *Module IV: Client Information & Challenges* (Filed Under Seal)
53. PGX0002568, eFolks, *Compliance: New Hire Training* (Filed Under Seal)
54. LEX0001572, Lexington Law Lead Training, *Compliance* (Filed Under Seal)
55. LEX0001573, LEAD Compliance Training Cheat Sheet (Filed Under Seal)
56. LEX0001877, LEAD Training Issue Matrix (Filed Under Seal)
57. PGX0000810, Progrexion Compliance Training Facilitation Guide (Filed Under Seal)
58. PGX0004424, Credit Matters New Hire Training (Filed Under Seal)
59. PGX0002148, Progrexion New Hire Training, *Compliance: Laws & Regulations* (Filed Under Seal)

60. LEX0001790, Service Guarantees (Filed Under Seal)
61. LEX0001924, Progrexion Training, *Intro to Compliance* (Filed Under Seal)
62. PGX0001860, Progrexion New Hire Training, *Compliance: Laws & Regulations* (Filed Under Seal)
63. PGX0002160, Credit Matters New Hire Training (Filed Under Seal)
64. Transcript of May 13-14, 2021 Deposition of Thomas H. Kim (excerpted) (Filed Under Seal)
65. Declaration of John DelPonti, Jr., August 20, 2021
- 65-1. Confidential Expert Report of John DelPonti, Jr., August 20, 2021 (Filed Under Seal)
66. Confidential Supplemental Report of John DelPonti, Jr., October 25, 2021 (Filed Under Seal)
67. Supplemental Expert Report of John Ulzheimer, October 25, 2021
68. Expert Report of Shane Frederick, September 27, 2021 (Filed Under Seal)
69. PGX0040805, California Creative Report 2019 - CreditRepair.com
70. Declaration of Donald S. Clark, December 9, 1996
71. United States Postal Service's Comment Letter on Proposed Telemarketing Sales Rule, March 31, 1995 (excerpted)
72. The National Consumers League's Comment Letter on Proposed Telemarketing Sales Rule, March 28, 1995 (excerpted)
73. LEX0004303, *Lexington Law Credit Repair Impact: 2012-2015* (Filed Under Seal)
74. PGX0028273, Lexington Law Webpage, *How Lexington Law's Credit Repair Works*
75. PGX0028071, CreditRepair.com, *How to Dispute a Credit Report*
76. Declaration of John Ulzheimer, Aug. 20, 2021
- 76-1. Confidential Expert Report of John Ulzheimer, August 19, 2021

Dated: December 30, 2021

Respectfully submitted,

/s/ William J. Harrington

William J. Harrington*
Goodwin Procter LLP
620 Eighth Avenue
New York, NY 10018
(212) 459-7140
wharrington@goodwinlaw.com

Karra J. Porter
Christensen & Jensen
257 East 200 South, Suite 1100
Salt Lake City, UT 84111
(801) 323-5000
karra.porter@chrisjen.com

Thomas M. Hefferon*
W. Kyle Tayman*
Christina Hennecken*
Virginia McCorkle*
Goodwin Procter LLP
1900 N Street, N.W.
Washington, D.C. 20036
(202) 346-4000
thefferon@goodwinlaw.com
ktayman@goodwinlaw.com

Courtney Hayden*
Goodwin Procter LLP
100 Northern Avenue
Boston, MA 02210
(617) 570-1000
chayden@goodwinlaw.com

Attorneys for Defendants
(*admitted *pro hac vice*)

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2021, I caused a true and correct copy of the foregoing to be served upon counsel of record as of this date by electronic filing.

/s/ William J. Harrington
William J. Harrington